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Security Council

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Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in Sri Lanka

1. At its 13th meeting, on 21 February 2008, the Working Group examined a report of the Secretary-General on children and armed conflict in Sri Lanka (S/2007/758), introduced by the Special Representative of the Secretary-General. The Permanent Representative of Sri Lanka to the United Nations participated in the subsequent discussion, which was also attended by the Attorney General, the Secretary of the Ministry of Justice and the Deputy Solicitor General of Sri Lanka.

2. The main elements of the exchange of views among the members of the Working Group are summarized below:

(a) The members of the Working Group welcomed the submission of the report pursuant to Security Council resolution 1612 (2005) and took note of its quality;

(b) Grave concern was expressed about the significant impact on children of the intensified military confrontations over the reporting period and, in this context, the responsibility of all the parties to the conflict to protect children and to fully respect international humanitarian law, including provisions concerning humanitarian access to children, was stressed;

(c) The Government of Sri Lanka was commended for its cooperation with the Working Group, and the participation of a high-level delegation in the meeting was welcomed as a sign of the commitment of the Government on the issue of children in armed conflict;

(d) The members of the Working Group welcomed the steps taken by the Government of Sri Lanka to address the issues raised in its previous conclusions (S/AC.51/2007/9); they highlighted the need for the authorities of Sri Lanka to bring to justice perpetrators of violations against children and invited the Government of Sri Lanka to share in a timely manner the final outcome of the investigations undertaken with the Group and on the measures taken accordingly to prevent impunity;

(e) The members also stressed the importance of providing financial and other resources to the Government of Sri Lanka to help increase its capacity for the rehabilitation and reintegration of children associated with armed groups in their communities;

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(f) Grave concern was expressed about the fact that despite the message issued by the Working Group in its previous conclusions (S/AC.51/2007/10), the Liberation Tigers of Tamil Eelam (LTTE) continued to recruit and use children during the reporting period and failed to release all the children present in its ranks; while welcoming as encouraging signs the decrease in the number of cases of recruitment reported to the United Nations task force on monitoring and reporting, as well as the improvements brought to the written commitments undertaken by LTTE as a result of more intensive dialogue with the task force, members of the Working Group stressed that full compliance and de-listing can be achieved only by the release of all the children and a signed agreement and signed concrete and time-bound action plan, including the provision to the United Nations task force on monitoring and reporting, in accordance with Security Council resolutions 1539 (2004) and 1612 (2005), of full access to all locations under its control;

(g) Continued concern was also expressed about the fact that the Tamil Makkal Viduthali Pulikal (TMVP)[1] also continued to recruit and use children during the reporting period and failed to release all the children present in its ranks and to engage in a fruitful dialogue with the United Nations task force on monitoring and reporting in order to produce a concrete time-bound action plan; it was therefore of the utmost importance that TMVP respond to the message issued by the Working Group (S/AC.51/2007/11) through intensified engagement with the task force, the release of all the children and the signing of a concrete and time-bound action plan, including the provision to the task force, in accordance with Security Council resolutions 1539 (2004) and 1612 (2005) and in cooperation with the Government of Sri Lanka, of full access to all its locations.

3. The Permanent Representative of Sri Lanka:

(a) Reiterated the commitments of his Government to fully cooperate with the international community and the Working Group with a view to putting an end to violations and abuses against children in armed conflict, as well as the policy of zero tolerance of the Government of Sri Lanka towards the recruitment and use of children in armed conflict;

(b) Presented the steps taken by the Government of Sri Lanka with a view to follow-up on the conclusions of the Working Group (S/AC.51/2007/9), in particular the establishment of a high-level inter-ministerial committee to inquire into allegations of the abduction and recruitment of children for use in armed conflict, consider preventive measures to preclude access by armed groups to schools, and identify steps to be taken to advance the welfare and rehabilitation of children; following completion of the committee's work, its findings and actions taken thereon by the authorities would be shared with the Working Group;

(c) Referred to steps taken to put in place long-term protection programmes for children, while insisting on the need for financial assistance in this field, and to the preparation of a bill on assistance to and protection of victims of crime and witnesses;

(d) Stressed the continuous violations perpetrated by LTTE, its failure to implement previous commitments, its development of new methods aimed at

[1] In the present document, and in line with the report of the Secretary-General (S/2007/758), the denomination TMVP also includes the armed branch previously called Karuna faction, as well as the faction reportedly led by Commander Pillayian.

concealing de facto recruitments of children, and urged the Working Group to recommend the adoption by the Security Council of specific targeted measures against LTTE.

4. The above elements were given in further detail in an aide-memoire sent by the Permanent Representative of Sri Lanka to the Chairman of the Working Group on 26 February 2008, which was subsequently circulated to its members.

5. Further to that meeting and subject to and consistent with applicable international law and Security Council resolutions on children and armed conflict, including Security Council resolution 1612 (2005), the Working Group agreed to the following:

Public statements issued by the Chairman of the Working Group

To the leadership of the Liberation Tigers of Tamil Eelam

(a) *Reaffirming* all the requests contained in its public statement (see S/AC.51/2007/10) in relation to putting an end to the practice of abduction, recruitment and use of children, establishing transparent procedures with the country task force on monitoring and reporting for their immediate release and effective reintegration into their families and communities, providing representatives of the country task force with safe and unimpeded access to the military locations of the Liberation Tigers of Tamil Eelam (LTTE) in accordance with Security Council resolution 1612 (2005), respecting international humanitarian law, in particular the neutrality of schools, hospitals and places of worship as conflict-free zones for children, and providing humanitarian actors, with immediate effect, with safe and unimpeded access to all areas under its control;

(b) *Calling the attention* of the leadership of LTTE to the fact that, the Security Council has received a new report of the Secretary-General on children and armed conflict in Sri Lanka dated 21 December 2007 (S/2007/758), following the request of the Security Council, and urging that particular attention be given by the parties in the conflict in Sri Lanka to the messages addressed to them by the Chairman of the Working Group on Children and Armed Conflict;

(c) *Expressing deep concern* regarding the fact that during the reporting period, and despite the public statement issued by the Working Group (S/AC.51/2007/10), LTTE has continued to recruit and use children and has failed to release all the children present in its ranks, including those who were recruited under the age of 18 years who are now adults;

(d) *Also expressing deep concern* about the persistent high numbers of grave violations and abuses committed against children by LTTE;

(e) *Strongly condemning* the continuous recruitment and use of child soldiers, indiscriminate attacks against civilian objects, and all other violations and abuses committed against children by LTTE, which in many cases have resulted in the killing and maiming of children;

(f) *Expressing concern* at reports that LTTE resorts to new forms of recruitment and use of children, whereby it forcibly submits schoolchildren to compulsory combat and weapons training programmes with a view to enlisting them for active armed hostilities as and when the need arises, and expressing its strong condemnation of such practices;

(g) *Noting with interest* the decrease over the past six months in the number of cases of recruitment of children reported to the United Nations task force for monitoring and reporting, the verification of an increased number of released children made possible by the intensification of dialogue with the United Nations Children's Fund (UNICEF), as well as the steps taken by LTTE to improve its action plan, bearing in mind that more needs to be done in order to ensure a genuine process for putting an end to the recruitment of children and ensuring the release of those still present in the ranks of LTTE and to meet the minimum requirements for its action plan, including but not limited to allowing the United Nations task force unhindered access for the purpose of monitoring of the implementation on the ground of the action plan, formalizing principles and time-bound measures for the safe release of children and their effective reintegration into their families and communities, as well as establishing mechanisms for accountability and the prevention of re-recruitment;

(h) *Urging* it:

(i) To fully respond, without further delay, to all the requests contained in the previous public statement of the Working Group (S/AC.51/2007/10) and, in particular, bearing in mind the commitment taken by LTTE to release all children present in its ranks before 31 December 2007, to proceed within 30 days from the publication of the present public statement with the release of all remaining children in a manrer that allows effective confirmation by the United Nations task force on monitoring and reporting and the prevention of any new recruitment or re-recruitment;

(ii) To immediately engage, in accordance with Security Council resolution 1612 (2005), with the United Nations task force on monitoring and reporting with a view to bringing, within 90 days, the latest written commitments by the action plan signed by LTTE in line with the time-bound action plan standards requested by the Security Council in its resolutions 1539 (2004) and 1612 (2005);

(i) *Emphasizing* that:

(i) The full implementation of an action plan in line with Security Council resolutions 1539 (2004) and 1612 (2005), confirmed by the United Nations task force on monitoring and reporting, is the gateway for any party to any conflict to be de-listed from the annexes of the report of the Secretary-General on Children and Armed Conflict, as shown recently with the de-listing of parties to the conflict in Côte d'Ivoire;

(ii) If LTTE does not respond positively to the requests contained in the message, or does not carry out its commitments or abide by applicable international law and relevant Security Council resolutions, including resolution 1612 (2005), further steps may be taken.

To the leadership of the Tamil Makkal Viduthalai Pullighal

(a) *Reaffirming* all the requests contained in its public statement (see S/AC.51/2007/11) in relation to putting an end to the practice of abduction, recruitment and use of children, establishing transparent procedures with the country task force on monitoring and reporting for their immediate release, providing representatives of the country task force with safe and unimpeded access to locations of the Tamil Makkal Viduthalai Pullighal (TMVP) in accordance with Security Council resolution 1612 (2005), respecting international humanitarian law,

in particular the neutrality of schools, hospitals and places of worship as conflict-free zones for children, and providing humanitarian actors, with immediate effect, with safe and unimpeded access to all children;

(b) *Calling the attention* of the leadership of TMVP to the fact that the Security Council has received a new report of the Secretary-General on Children and Armed Conflict in Sri Lanka dated 21 December 2007 (S/2007/758), following the request of the Security Council, and urging that particular attention be given by the parties in the conflict in Sri Lanka to the messages addressed to them by the Chairman of the Working Group on Children and Armed Conflict;

(c) *Expressing deep concern* about the fact that during the reporting period, and despite the public statement issued by the Working Group (S/AC.51/2007/11), TMVP continued to recruit and use children, failed to release all the children present in its ranks and, despite some steps taken to release children and to issue internal regulations prohibiting the recruitment of children, failed to engage in a fruitful dialogue with the United Nations task force on monitoring and reporting in order to produce a concrete time-bound action plan;

(d) *Recalling* its strong condemnation of any recruitment and use of child soldiers by non-State armed groups, and deploring the fact that during the reporting period, TMVP continued to recruit and use child soldiers and to commit other violations and abuses against children;

(e) *Urging* it:

(i) To fully respond, without further delay, to all the requests contained in the previous public statement of the Working Group (S/AC.51/2007/11) and, in particular, bearing in mind the commitment made by TMVP to the Special Representative of the Secretary-General and to her Special Adviser in 2006 to release all children present in its ranks, to proceed within 30 days from the publication of this public statement with the release of all remaining children in a manner that allows effective confirmation by the United Nations task force on monitoring and reporting;

(ii) To engage further, in accordance with Security Council resolution 1612 (2005), with the United Nations task force on monitoring and reporting with a view to developing, within 90 days, a draft time-bound action plan in line with the action plan standards requested by the Security Council in its resolutions 1539 (2004) and 1612 (2005);

(f) *Emphasizing* that:

(i) The full implementation of an action plan in line with Security Council resolutions 1539 (2004) and 1612 (2005), confirmed by the United Nations task force on monitoring and reporting, is the gateway for any party to any conflict to be de-listed from the annexes of the report of the Secretary-General on Children and Armed Conflict, as shown recently with the de-listing of parties to the conflict in Côte d'Ivoire;

(ii) As TMVP is now contesting elections and recently proceeded to the release of 39 children, the Working Group expects it to respond positively to the requests contained in this message and to carry out its commitments and abide by applicable international law and relevant Security Council resolutions, including resolution 1612 (2005).

Recommendations to the Security Council

6. The Working Group agreed to recommend that the President of the Security Council address letters:

To the Secretary-General

(a) Requesting that, in addition to the annual report of the Secretary-General on the situation of children and armed conflict in Sri Lanka, the Special Representative of the Secretary-General provide the Working Group with regular oral updates in addition to its horizontal notes on this situation, paying particular attention to the follow-up given by LTTE and TMVP to the messages addressed to them by the Chairman of the Working Group on Children and Armed Conflict, through providing, inter alia, updated data on cases of recruitment and release of children reported to the United Nations task force for monitoring and reporting, as well as information on the progress in the establishment of concrete time-bound action plans;

(b) Also requesting that he recommend to his Special Representative on Children and Armed Conflict that in her discussions with all parties to armed conflict, in accordance with resolution 1612 (2005), she specifically request time-bound action plans with a proposed time frame;

(c) Inviting him to request the United Nations Development Programme, UNICEF and other relevant United Nations agencies, within their respective mandates and in close cooperation with the Government of Sri Lanka, to address socio-economic issues which will also contribute to addressing the welfare of children affected by armed conflict, including strengthening national institutions, in order to implement national action plans and provide further assistance in the implementation of rehabilitation and reintegration programmes; and also inviting them to provide assistance in order to increase the capacity of the Government of Sri Lanka to further establish effective laws and policies which protect children, and to assist the efforts of the Government of Sri Lanka to further strengthen its judicial system;

(d) Also inviting him to continue his dialogue with the Government of Sri Lanka with a view to ensuring the security conditions for and facilitating the work of United Nations agencies and civil society organizations carrying out protection and humanitarian work for the benefit of children throughout the country, including by providing access to all relevant areas under its control; to particularly call upon the Government of Sri Lanka to facilitate access to affected areas by the United Nations task force for monitoring and reporting, and to respond to the need for securing public institutions, such as hospitals, schools and religious institutions as conflict-free zones;

(e) Expressing support for the efforts of the United Nations country team and proposing that it assist the Government of Sri Lanka in devising a child-appropriate release and reintegration programme for children recruited by armed groups, with a view to ensuring the availability of child-appropriate release, rehabilitation and reintegration programmes, including through the improvement of State-run rehabilitation facilities, for children who are separated from armed groups.

To the Government of Sri Lanka

(a) *Recalling* its letter dated 16 July 2007, based on the conclusions of the Working Group on the situation of children and armed conflict in Sri Lanka (S/AC.51/2007/9), in which it urged the Government of Sri Lanka, inter alia, to take several measures in order to prevent and address cases of recruitment and use of children in armed conflict, to fight against impunity, to maintain the neutrality of conflict-free zones for children in conflict-affected areas, including hospitals, schools and places of worship, to provide humanitarian access, to secure the release of all children abducted and to develop access to rehabilitation and reintegration programmes for children separated from armed groups;

(b) *Welcoming*:

(i) The ongoing constructive engagement and cooperation of the Government of Sri Lanka with the Working Group and the Office of the Special Representative of the Secretary-General as well as other relevant United Nations organizations, within their respective mandates, in addressing the welfare, health and security of children affected by armed conflict;

(ii) The reaffirmation of its commitment to enforce a policy of zero tolerance regarding the recruitment and use of children in armed conflict and, in this context, its commitment to take action against any person found to have been responsible for the abduction and recruitment of children for use in armed conflict;

(iii) The steps already taken or in the process of being taken with a view to following up on the recommendations of the Working Group, as reflected in the aide-memoire submitted to the members of the Working Group, in the areas of prevention of recruitment, awareness-raising, investigation of cases and prosecution of perpetrators of the abduction and recruitment of children, protection of victims and witnesses, and rehabilitation and reintegration of children separated from armed groups;

(c) *Urging* it:

(i) To continue, in accordance with Security Council resolution 1612 (2005), to give full support to the monitoring and reporting mechanism, including through allowing the United Nations country team continued engagement with non-State actors in order to better protect children in armed conflict;

(ii) To continue to facilitate the work of the high-level inter-ministerial committee established on 27 August 2007 with the mandate to conduct a thorough and impartial investigation into allegations concerning certain elements of the Sri Lanka security forces, contained in the Secretary-General's report on children and armed conflict in Sri Lanka dated 20 December 2006 (S/2006/1006), with a view to completing the investigation as soon as possible, and sharing its findings, as well as any information on measures taken accordingly, with the Working Group;

(iii) To take further measures to ensure that the Government police and security forces thoroughly investigate all complaints of child abductions with a view to putting an end to impunity for all perpetrators, bearing in mind the importance of child-sensitive procedures;

(iv) To take steps to secure the release and return to their families of all children abducted by all armed groups;

(v) To commit to the protection of children by ensuring respect for international humanitarian law, in particular the neutrality and security of schools, hospitals and places of worship as civilian locations in conflict-affected areas, and take every feasible measure to avoid civilian casualties in the course of the conflict;

(vi) To continue its dialogue with the United Nations country team and with high-level United Nations officials with a view to providing humanitarian actors with safe and unimpeded access to all children in all areas under its control;

(vii) To continue to develop as a matter of priority, with the support of the United Nations and donors, capacities to ensure for all children released by armed groups access to child-appropriate release, rehabilitation and reintegration programmes, including through the improvement of State-run rehabilitation facilities.

Direct action by the Working Group concerning United Nations agencies

7. The Working Group also agreed to address letters from its Chairman:

To the World Bank and donors requesting, in their respective capacities

(a) That they provide support to the development and strengthening, in close cooperation with the Government of Sri Lanka, and upon its request, together with local communities and civil society organizations, as appropriate, capacities to ensure access to child-appropriate release, rehabilitation and reintegration programmes for all released children, also drawing their attention to the importance of socio-economic reintegration and the need to support viable and sustainable alternative livelihood, in order to prevent the re-recruitment of children by armed groups;

(b) That they assist the efforts of the Government of Sri Lanka to strengthen and expand programmes that protect and assist children, particularly former child soldiers, internally displaced persons, and unaccompanied and separated children who may face higher risks of violence, exploitation and recruitment, and ensure their successful rehabilitation.

To the Executive Director of the United Nations Children's Fund

(a) Commending the efforts of UNICEF to establish dialogue with all relevant parties and requesting that it continue its efforts with LTTE and TMVP with a view to obtaining the release of all children in their ranks or retained in camps or centres and the establishment and early implementation of action plans in line with Security Council resolutions 1539 (2004) and 1612 (2005);

(b) Inviting UNICEF, in close cooperation with the Government of Sri Lanka, to provide assistance for the improvement of its child protection policies and mechanisms, including through developing guidelines to safeguard the best interests of the released children for their reintegration.